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SUBJECT: Update on GOP's Anti-Trafficking Policies

SUMMARY

1. Our discussions with Polish government officials, NGOs, and academic institutions reveal that the GOP has taken significant steps to combat trafficking in persons (TIP) in Poland. For the first time ever, the GOP has allocated funds from the state budget for the implementation of the National Anti-Trafficking Plan. Additionally, a recent revision of the Law on Aliens introduced the provision of a reflection period during which foreign trafficking victims are able to legally stay in Poland for two months while they decide whether or not to cooperate with law enforcement agencies. Police continue to work on a number of trafficking cases that were identified last year; however, the number of new cases identified this year has decreased. End Summary.

The GOP implements Anti-Trafficking Plan for 2005-2006

2. On November 18, Piotr Mierecki, Counselor of the Department of European Integration and International Cooperation at the Ministry of Internal Affairs and Administration, and administrative coordinator for the inter-ministerial Anti-Trafficking Plan, briefed Embassy officers on the implementation of the plan for 2005-2006. The National Anti-Trafficking Plan was approved by the Council of Ministers in April 2005, and received funding of approximately \$78,000 for victim protection in late 2005 and 60 percent of those funds will be spent on victim protection while the remainder will be used for educational outreach and trainings. In 2006 the Plan's GOP funding is projected to double and 80 percent of the funds will be spent on victim protection.

3. According to Mierecki, the implementation of the Anti-Trafficking Plan in the past six months has fulfilled several objectives. In Mierecki's opinion, the most notable achievement was a series of trainings for police, border guards, prosecutors, judges and social workers, which were delivered regionally in 10 of the 16 Polish provinces. The remaining provinces' trainings will be completed by February 2006. The Ministry of Interior-funded training was conducted by experts from local NGOs La Strada, and the Nobody's Children Foundation, as well as Ministry of Interior experts. As a result of these trainings, Mierecki hopes to develop a Polish network of regional TIP experts and specialists who will work closely together, and share information and expertise on TIP-related issues.

4. Looking ahead, Mierecki stated that the GOP priorities for next year include a national conference on TIP issues, an active media campaign addressed to the potential and actual victims of trafficking in Poland, and the creation of new independent units within the Ministry of Interior and police both on national and regional levels, which will be assigned to work only on TIP-related issues. (Currently, TIP experts are given this responsibility in addition to other portfolios, many of which are very time-consuming.)

New Legislation on Trafficking Victims Enters into Force

5. On October 1, 2005, the revised Law on Aliens entered into force. Article 33 of this law introduces the so-called reflection period for potential trafficking victims. During this reflection period, which may last up to two months, a foreign victim may legally stay in Poland to make a decision on whether or not to cooperate with law enforcement agencies rather than face the decision of cooperation or immediate deportation. If the victim decides to stay in Poland to testify, he or she may then receive a temporary residence permit for a definite time period. During training for prosecutors on November 28, prosecutor Krzysztof Karsznicki from the Justice Ministry, pointed out that this new provision should lead to an increase in the number of cases and prosecutions. As he explained, one of the main obstacles in prosecuting TIP cases up until now was that Poland previously lacked the legal provisions to allow foreign victims to stay in Poland to decide whether they would like to testify against their traffickers, and most

were deported immediately.

Law Enforcement Agencies Continue to Work on TIP cases

16. During a meeting on November 29, Inspector Boguslaw Tomtala, the leading TIP expert at the National Police told Embassy officers that, while the police continue to work on TIP cases, in the first six months of 2005 there was a considerable decrease in the number of TIP cases identified by police. (Five in comparison to 39 identified in the first six months of 2004.) Tomtala attributed this decrease in 2005 to the fact that police officers are still working on cases from 2004. Tomtala explained that the four trafficking cases they are currently working on are complex and require substantial operational activities to collect sufficient evidence. Preparing such cases often takes up to two or three years before the case goes to court. He also informed us that police are developing a standard set of guidelines for police officers on methods to identify and assist TIP victims, which should help police officers identify more trafficking cases. As a Border Guard representative explained in a separate meeting, a similar set of guidelines has been prepared for Border Guard officers, who are often the first point of contact for the TIP victims.

La Strada Continues to Assist and Critique

17. La Strada, the lead NGO providing assistance to victims of trafficking, celebrated its tenth anniversary of operation in Poland in September. During a meeting on November 29, Stana Buchowska, Director of La Strada Poland, pointed out that although the legal situation of victims has improved, there is still the lingering problem of too few prosecutions. In her opinion, the limited number of trafficking cases identified by police this year reflects the GOP's lack of will and resources. She also underlined that critical improvements are needed in the witness protection program for TIP victims and the cooperation between NGOs and law enforcement.

COMMENT

18. Comment: Recent improvements in anti-trafficking policies show that the GOP has recognized trafficking as a serious problem that needs to be fought with state budget funding, legislation to assist victims and law enforcement entities, and nationwide cooperation. Thanks to the new provisions of the Law on Aliens, there is a possibility that victims will choose to testify and that more traffickers will be prosecuted and convicted. However, we find it disconcerting that there has been a considerable decrease of the number of TIP cases identified by police this year. We hope that the fact that police are working on more complex TIP-related cases leads to more prosecutions in the future, but time will tell. In his initial courtesy call on December 6 with the Minister of Justice, Zbigniew Ziobro, Ambassador Ashe raised our commitment to combating trafficking and our hope that the new GOP will also make it a priority. The Embassy will continue to press for further programs on TIP issues with the Polish government.

HILLAS